

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Kevin McCullers,

Plaintiff,

v.

No. 15-cv-03732-JFL

Honorable Joseph F. Leeson, Jr.

Commonwealth of Pennsylvania, *et al.*,

Defendants,

Order

AND NOW, this 17th day of July , 2018, upon consideration of the foregoing Stipulation, it is hereby ORDERED and DECREED that the Stipulation is APPROVED as an Order of this Court. All claims against the City of Allentown are hereby WITHDRAWN without prejudice. The City of Allentown's Motion for Sanctions (Docket Item No. 95) is hereby WITHDRAWN. Plaintiff and the City of Allentown shall bear their own costs with regard to all claims among and between them.

BY THE COURT:

Hon. Joseph F. Leeson, Jr., J.

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No. 15-cv-03732-JFL

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Defendants.

Stipulation of Withdrawal

AND NOW, come Plaintiff, Kevin McCullers (hereinafter "Plaintiff"), and Defendant, City of Allentown (hereinafter "Defendant"), by and through their undersigned counsel, and stipulate as follow, pending approval of the Court:

WHEREFORE, Plaintiff initiated this action on July 6, 2015, alleging claims against, *inter alia*, Defendant; and

WHEREFORE, on December 1, 2017, Plaintiff filed a Second Amended Complaint; and

WHEREFORE, on December 5, 2017, Defendant filed an Answer to the Second Amended Complaint denying any liability to Plaintiff; and

WHEREFORE, the Defendant did not file a cross-claim against any other party; and

WHEREFORE, no other party has filed a cross-claim against Defendant; and

WHEREFORE, on April 3, 2018, Defendant filed a Motion for Sanctions against Plaintiff; and

WHEREFORE, on April 12, 2018, Plaintiff filed a response to the Motion for Sanctions denying any liability to the City of Allentown; and

WHEREFORE, Plaintiff and Defendant seek to resolve all issues among and between them amicably:

It is hereby agreed upon and stipulated that:

1. All claims against the City of Allentown, as set forth in the Second Amended Complaint (Docket Item 79) are hereby **WITHDRAWN** without prejudice;
2. The City of Allentown is **DISMISSED** as a party to this lawsuit;
3. The Motion for Sanctions filed by the City of Allentown (Docket Item No. 95) is hereby **WITHDRAWN**;
4. In the event that Plaintiff refiles any claim against the City of Allentown arising out of the facts and circumstances set forth in the Second Amended Complaint, the Motion for Sanctions shall be filed *nunc pro tunc*; and
5. Plaintiff and Defendant agree to pay their own costs with regard to the claims among and between them.

Respectfully submitted,

DEASEY, MAHONEY & VALENTINI, LTD.

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Date: 7/17/18

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Kevin McCullers

Date: 7-17-18